

23/Reg 400A/1615
1-114

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
☐ DUPLICATE

Address to:
**Commissioner for Patents
Box CPA
Washington, D.C. 20231**

| | |
|--|---------------------------|
| Attorney Docket No. of Prior Application | 401930/SKYE PHARMA |
| First Named Inventor | INDU PARIKH <i>Bo</i> |
| Examiner Name | G. Kishore <i>11-8-02</i> |
| Group Art Unit | 1615 |
| Express Mail Label No. | |

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 09/443,863 filed on November 19, 1999, entitled DISPERSIBLE PHOSPHOLIPID STABILIZED MICROPARTICLES.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR 1.51(b) or (2) the national stage of an international application in compliance with 37 USC 371. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or information concerning, the other application or applications in the file jacket.

35 USC 120 STATEMENT: No reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent is enclosed.
- ☒ An Information Disclosure Statement (IDS) is enclosed, along with:
 - ☒ Form PTO-1449
 - ☒ Copies of Listed Documents
- ☐ Applicant claims small entity status. See 37 CFR 1.27.

APPLICATION FEES

| | | | | |
|---|--------------|--------------|------|--------------------|
| BASIC FEE | | | | \$740.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | |
| Total Claims | 46 | -20= | 26 | x \$18.00 \$468.00 |
| Independent Claims | 2 | -3= | | x \$84.00 \$ |
| <input type="checkbox"/> Multiple Dependent Claims(s) if applicable | | | | + \$280.00 \$ |
| Subtotal of application fees = | | | | \$1208.00 |
| Reduction by 50% for filing by small entity = | | | | (\$) |

Extension Fees

| | |
|--|--------|
| <input type="checkbox"/> A one-month extension of time under 37 CFR 1.136 is requested. | \$ |
| <input type="checkbox"/> An extension for one month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total amount of extension now requested. | \$ |
| <input checked="" type="checkbox"/> No petition for an extension of time is necessary; to the extent that such petition is deemed necessary, a petition for a sufficient extension of time to render the present submission timely is requested. Please charge Deposit Account No. 12-1216 for the appropriate petition fee. | |
| Subtotal of extension fees = | \$0.00 |

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740.00 CH 468.00 CH
11:131 02 FC:103

TOTAL FEE = \$1208.00


CPA REQUEST TRANSMITTAL

Application No. 09/443,863
Attorney Docket No. 401930

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 12-1216:
- a. ☒ Filing fee \$1388.00.
 - b. ☒ Any additional fees required under 37 CFR 1.16.
 - c. ☒ Fees required under 37 CFR 1.17.
8. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(b) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) is enclosed.)
9. ☐ A check in the amount of \$ _____ is enclosed.
10. Also enclosed:
- a. ☐ Receipt for Facsimile Transmitted CPA
 - b. ☒ Return Receipt Postcard (Should be specifically itemized)
 - c. ☒ Other: Information Disclosure Statement plus \$180.00 filing fee
11. ☐ Request & Certification Under 35 USC 122(b)(2)(B)(i) (Form PTO/SB/35 or its equivalent must be submitted with this application to prevent publication at 18 months)

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12. CORRESPONDENCE ADDRESS

| | |
|--|--|
| <input checked="" type="checkbox"/> Customer Number: 23548  23548 PATENT TRADEMARK OFFICE | <input type="checkbox"/> Leydig, Voit & Mayer 700 Thirteenth Street, N.W. , Suite 300 Washington, D.C. 20005-3960 (202) 737-6770 (telephone) (202) 737-6776 (facsimile) |
|--|--|

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | |
|-----------|----------------------------------|
| Name | Shannon Schemel, Reg. No. 47,926 |
| Signature | <i>Shannon Schemel</i> |
| Date | October 8, 2002 |